

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1632.00
COMPLAINT INVESTIGATOR: John Hill
DATE OF COMPLAINT: October 4, 2000
DATE OF REPORT: October 27, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: October 15, 2000

COMPLAINT ISSUES:

Whether the Fayette County School Corporation and the East Central Special Services violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP), specifically:
 - a. failing to provide speech therapy at the beginning of the 2000-2001 school year when the IEP identified the initiation date for services as August 16, 2000; and
 - b. failing to tape record the student's science and social studies materials.
- 511 IAC 7-27-4(c) and 511 IAC 7-27-6(a)(4) with regard to the school's alleged failure to utilize the case conference committee to determine the student's participation in ISTEP+, instead making a unilateral decision that the student must participate.
- 511 IAC 7-21-7(c) with regard to the school's alleged failure to include in the student's educational record a student-specific justification for transit time that exceeds the transit time of nondisabled students of comparable age in the same school corporation.
- 511 IAC 7-27-9(a)(3) with regard to the school's alleged failure to ensure that the student is educated in his home school unless the student's IEP demonstrates that other arrangements are necessary.

During the course of the investigation, an additional issue was identified, which is:

Whether the Fayette County School Corporation and the East Central Special Services violated:

- 511 IAC 7-25-6(a) with regard to the school's alleged failure to ensure that the student's re-evaluation was conducted within thirty-six calendar months.

FINDINGS OF FACT:

1. The student is a nine-year-old, third-grade student who has been determined eligible for special education and related services due to multiple handicaps, including speech delays.
2. The IEP written for the student on May 22, 2000 indicates that the student is to receive four, twenty minute speech therapy sessions per week beginning August 16, 2000. The student missed ten sessions during the time that the assigned Speech Therapist was assigned to conduct hearing screenings within the cooperative.

3. The IEP written for the student on May 22, 2000 indicates that the student is to be provided with taped text for social studies and science. The school has procured taped copies of text for the student. The school that the student attends does not begin science and social studies instruction until after ISTEP testing takes place. The student will be provided the science and social studies taped text when the class begins to work in those books.
4. The student's case conference committee (CCC) Summary Report dated May 22, 2000 indicated that the CCC did discuss the student's participation in ISTEP+. The CCC Summary Report indicates that the student would be allowed extended time and have applicable parts of the test read.
5. The student's morning transportation time is 50 minutes. The longest nondisabled peer morning transportation time is 70 minutes.
6. The student's afternoon transportation time is 85 to 95 minutes. The student is in an after-school holding area in one of the school buildings for approximately 50 minutes. The bus ride to this school is 5 minutes. When the student is picked up from the after-school program, he is dropped off at home within 30 to 40 minutes. Total afternoon actual transit time is up to 45 minutes. The longest nondisabled peer afternoon transportation time is 90 minutes.
7. The student's IEP indicates the need for special education support for 65% of the school day. The IEP also indicates that the needed services are more extensive than what are available at the home school, but the student will be attending the school nearest the home school. Special education supports are not available throughout the day in the home school. The home school is serviced by a traveling special education teacher who is not there during both the morning and afternoon periods, on a daily basis.
8. The student's previous evaluation was completed on April 28, 1997. The student's current re-evaluation was completed thirty-six months and ten days later, on May 10, 2000.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the student did not receive speech therapy services as outlined in the IEP. Therefore, violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #3 reflects that the science and social studies classes have not begun; however, the school has procured the taped text books to be provided to the student when the classes begin. Therefore, no violation of 511 IAC 7-27-7(a) is found.
3. Finding of Fact #4 reflects that the case conference committee did determine the student's participation and needed accommodations for ISTEP+ and did not make a unilateral decision that the student must participate. Therefore, no violation of 511 IAC 7-27-4(c) or 511 IAC 7-27-6(a)(4) is found.
4. Findings of Fact #5 and #6 reflect that the student's transit time does not exceed the transit time of nondisabled students of comparable age in the school corporation. Therefore, no violation of 511 IAC 7-21-7(c) is found.
5. Finding of Fact #7 reflects that the IEP indicates the need for services that are not available in the student's home school. Therefore, no violation of 511 IAC 7-27-9(a)(3) is found.

6. Finding of Fact #8 reflects that the student did not receive a re-evaluation within thirty-six months. Therefore, violation of 511 IAC 7-25-6(a) is found.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Fayette County School Corporation and the East Central Special Services Cooperative shall:

1. Convene a CCC meeting to determine the need for compensatory speech services. Submit a copy of the CCC Summary Report and any revised IEP to the Division no later than November 15, 2000.
2. In-service all appropriate staff regarding the requirements as specified in 511 IAC 7-25-6(a). Submit documentation to the Division that the in-service has been completed no later than December 15, 2000. The documentation should include a list or agenda of all issues discussed, any handouts that were distributed, and list of attendees by name and title.